

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Texas

FILED

MAR 02 2016

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASBY mg DEPUTY

United States of America

v.

Case No. EP-16-M-721-RFC.

Jonathan VALENZUELA

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 3/1/2016 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*Title 21 U.S.C. § 841 (a) (1)
Title 21 U.S.C. § 952 (a)

Knowingly or intentionally to manufacture, distribute or dispense or possess with intent to manufacture, distribute or dispense approximately 60.52 kgs (gross weight) of marijuana, a Schedule I controlled substance and unlawfully importing into the customs territory of the United States from any place outside thereof (i.e. Mexico) approximately 60.52 kgs (gross weight) of marijuana, a Schedule I controlled substance.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.*Complainant's signature*

Omar Chavarria, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/02/2016*Judge's signature*City and state: El Paso, Texas

Robert F. Castaneda, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

On Tuesday, March 1, 2016, at approximately 10:30 P.M., Jonathan VALENZUELA made entry into the United States from the Republic of Mexico utilizing the YSLETA Port of Entry (POE) in El Paso, Texas. VALENZUELA was the driver and sole occupant of a Black Dodge Intrepid bearing Texas temporary license plate number 199691G.

Customs and Border Protection Officers (CBPOs) manning the YSLETA POE on March 1, 2016, encountered VALENZUELA as he made entry into the United States from the Republic of Mexico. CBPO Rene Araujo made contact with VALENZUELA in lane #9. VALENZUELA declared to be a U.S. Citizen and provided Araujo with his birth certificate. VALENZUELA informed CBPO Araujo that the vehicle he was driving was his and that he purchased it in February with his income tax return. CBPO Araujo asked VALENZUELA if he was bringing in any fruits, meats, plants, alcohol, weapons, and/or money in excess of \$10,000 and VALENZUELA replied "No". VALENZUELA stated that he was responsible for everything in the vehicle. CBPO Araujo asked VALENZUELA for the registration of the vehicle and VALENZUELA couldn't provide it. After noticing only one key in the ignition, CBPO Araujo requested the assistance of CBPO Efren Contreras to further question VALENZUELA.

CBPO Contreras took a second negative binding declaration from VALENZUELA. CBPO Contreras asked VALENZUELA if he had possession of the vehicle at all times while in Mexico and VALENZUELA stated he had the keys to the vehicle at all time. CBPO Contreras asked VALENZUELA if anyone had paid him, coerced him, or forced him to bring anything illegal into the United States and VALENZUELA stated "No". CBPO Contreras noticed VALENZUELA had a firm grip on the steering wheel and not giving eye contact during questioning so he decided to send the vehicle being driven by VALENZUELA through the Z-Portal machine. The X-Ray of the vehicle revealed anomalies throughout the vehicle.

A subsequent inspection was conducted on the listed vehicle and a total of 122 bundles were removed from within the seats of the vehicle. One bundle was probed and field tested positive for the properties of marijuana. The weight of the 122 bundles was approximately 60.52 kgs (gross weight).

United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), Special Agents (SAs) were notified of the seizure and responded to the YSLETA POE to conduct a preliminary investigation.

At approximately 1:30 A.M., VALENZUELA was advised of his Miranda Rights in the English language by SA James Jefferson and witnessed by TFO Randy Najeri. VALENZUELA chose to waive his rights and answer questions without the presence of an attorney.

VALENZUELA stated that he knew drugs were in the vehicle. VALENZUELA stated the car doesn't belong to him but was given to him by some unknown individuals in Mexico to cross drugs. VALENZUELA stated that he was to receive a call once he successfully crossed the drug laden vehicle to receive further instructions. VALENZUELA stated that he was to be paid approximately \$1,000 for this smuggling venture.

VALENZUELA provided a voluntary signed hand written statement detailing his involvement in the aforementioned drug smuggling scheme.